

Article 7: Residential Land Use and Development Requirements

Section 701: Statement of Intent

- (A) The intent of Article 7 is to develop certain land use and development requirements for the residential uses within Cumru Township. The provisions of Article 7 are intended to supplement and not replace the zoning district regulations, which are further specified under Article 4 of this Zoning Ordinance.
- (B) For the purposes of this Zoning Ordinance, “residential uses” shall include all single family detached dwelling units, single family semi-detached dwelling units, townhouse units, apartment units, condominiums, multi-family units, manufactured homes, secondary housing, or other residential land use designation specified within under this Zoning Ordinance, whereas, residential occupancy shall apply to the existing or proposed use.
- (C) The regulations established under Article 7 shall be subject to the interpretation of the Cumru Township Zoning Officer. Should a dispute arise concerning the interpretation of these supplementary regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

Section 702 Single Family Detached Residential Uses

- (A) Single family detached residential units, as defined under Article 2 of this Zoning Ordinance, are permitted within the AG, RC, LR, MR, HR and LC Zoning Districts.
- (B) All single family detached dwelling units shall be located on approved residential lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the single family detached residential unit is located or the appropriate development requirements specified by this Zoning Ordinance.
- (C) The supplemental matrix charts contained within Article 4 of this Zoning Ordinance provides the basic utility requirements (sewer and water facilities) for each permitted use by its assigned zoning district. The following specific provisions shall apply to utility provisions for single-family detached dwelling units:
 - (1) Single-family detached dwellings shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (2) Single-family detached dwellings shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (3) All other utility provisions serving single-family detached dwellings shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (D) Where required to comply with the provisions established by Cumru Township, a subdivision plan and/or land development plan shall be submitted for review and consideration, prior to the issuance of a building permit for a single family detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Subdivision and Land Development Ordinance.
- (E) All typical accessory uses and structures to a single family detached residential unit shall be permitted provided: they are located on the same lot as the single family detached unit; they are clearly subordinate to the single family detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified by Cumru Township.

Section 703: Single Family Semi-Detached Residential Uses

- (A) Single family semi-detached residential units, as defined under Article 2 of this Zoning Ordinance, are permitted by right within the MR and HR Zoning Districts.
- (B) All single family semi-detached dwelling units shall be located on individually approved residential lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the zoning district to which the single family semi-detached residential unit is located.
- (C) The supplemental matrix charts contained within Article 4 of this Zoning Ordinance provides the basic utility requirements (sewer and water facilities) for each permitted use by its assigned zoning district. The following specific provisions shall apply to utility provisions for single-family detached dwelling units:
 - (1) Single-family semi-detached dwellings shall be serviced by public sanitary sewer facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (2) Single-family semi-detached dwellings shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (3) All other utility provisions serving single-family detached dwellings shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (D) Each residential semi-detached unit shall be considered as a principal use and shall comply with the individual dimensional and utility requirements for a semi-detached unit. Each residential lot shall be accurately described by bearings and distances, which shall be recorded as a separate deed.
- (E) The common wall separating the residential semi-detached units shall be considered the common lot line, as extended from the front property line to the rear property line. The side yard setback requirements shall not apply to any part of the principal residential use, however, the side yard setback requirement for all accessory buildings and/or uses should be measured at least five (5) feet from the common lot line.
- (F) Where required to comply with the provisions established by Cumru Township, a subdivision plan and/or land development plan shall be submitted to Cumru Township for review and consideration, prior to the issuance of a building permit for a single family semi-detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Subdivision and Land Development Ordinance.
- (G) All typical accessory uses and structures to a single family semi-detached residential unit shall be permitted provided: they are located on the same lot as the single family semi-detached unit; they are clearly subordinate to the single family semi-detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified by Cumru Township.

Section 704: Multi-Family Townhouse Uses and Developments

- (A) Multi-family townhouse units, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the HR Zoning District.
- (B) The minimum amount of land contained within a townhouse development shall as follows:
- (1) For townhouse developments containing less than 2 acres of contiguous land area, the provisions specified under Sections 704.C and 704.D of this Zoning Ordinance shall apply.
 - (2) For townhouse developments containing between 2 acres and 10 acres of contiguous land area, the provisions specified under Section 704.C through 704.F of this Zoning Ordinance shall apply.
 - (3) For townhouse developments containing more than 10 acres of contiguous land area, the provisions specified under Section 704.C through 704.J of this Zoning Ordinance shall apply.
 - (4) Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Cumru Township may consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the multi-family townhouse unit development can be strategically planned and designed as a townhouse community.
- (C) The multi-family townhouse development shall comply with the following general requirements:
- (1) The permitted uses contained within the development shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (2) The permitted uses contained within the development shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall provide documentation or evidence that the quantity of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
 - (3) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) The maximum permitted residential density (townhouse units per gross acre) for multi-family townhouse unit developments shall not exceed eight (8) townhouse units per gross acre.
- (D) The multi-family townhouse unit development shall be designed to comply with the following minimum and maximum dimensional requirements:
- (1) The minimum width of a townhouse unit shall be twenty (20) feet per unit.
 - (2) The minimum building setback lines should be established twenty (20) feet from any street right-of-way line and forty (40) feet from all other external property lines, which are not owned by the applicant in pre-development conditions.
 - (3) The number of townhouse units, attached in a common row, shall not exceed eight (8) attached townhouse units.

- (4) The maximum height of a townhouse unit shall be thirty-five (35) feet. The maximum height may be increased to forty-five (45) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
 - (5) No more than thirty (30) percent of the total area of the development shall be covered by buildings.
 - (6) No more than fifty (50) percent of the total area of the development shall be covered by impervious surfaces.
- (E) The minimum building separation from other groups of townhouse units within the development shall be as follows:
- (1) The separation shall be twenty (20) feet when the townhouse unit groups are side to side.
 - (2) The separation shall be thirty (30) feet when the townhouse unit groups are side to rear.
 - (3) The separation shall be forty (40) feet when the townhouse unit groups are rear to rear.
- (F) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (G) The multi-family townhouse unit development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The development shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the land development plan utilizing the objective criteria and standards of Cumru Township relating to the housing types, street locations and required infrastructure and their intended location within the site.
 - (2) A preliminary grading plan shall be developed identifying the limits of disturbance for all municipal site improvements within the multi-family townhouse unit development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (3) A landscaping plan shall be submitted to Cumru Township for consideration as part of the special exception application. Unless otherwise permitted by Cumru Township, the applicant shall provide two (2) new trees per townhouse unit. The trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (4) The multi-family development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the approval of Cumru Township. The use of existing healthy mature trees (12 inches or more in diameter at breast height) should be utilized as part of the required buffer yard.
 - (5) Townhouse units should be constructed utilizing mansards, gables and/or hip roofs as part of the architectural design. The front building lines or facade of any two (2) adjoining townhouse units shall be staggered or offset, so that each townhouse unit will have a minimum horizontal separation (front to back at full height) of two (2) feet.
 - (6) The internal access drives and common off-street parking areas and access drives shall be designed considering the provisions of Article 10 of this Zoning Ordinance as well as the following requirements:
 - (a) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.

- (b) Common parking areas and access drives shall be located a minimum of twenty (20) feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of ten (10) feet from all street rights-of-way and exterior lot lines of the development.
 - (c) The entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
 - (d) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) off-street parking spaces shall be accommodated in any one (1) parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Section 914 of this Zoning Ordinance.
 - (e) The points of ingress and egress from common parking areas within the development shall be located a minimum of one hundred (100) feet from the point of a street intersection, as measured from the nearest street curb lines.
- (7) Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides by fencing and landscaping. All trash and rubbish shall be contained in vermin-proof containers.
- (H) The design of the land or water areas designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the multi-family townhouse unit development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this Zoning Ordinance.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas classified as Category 3 Slopes.
 - (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Cumru Township Subdivision and Land Development Ordinance.
 - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the special exception application.
 - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (6) An integrated system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks, trails and/or bicycle lanes.
 - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than fifty (50) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the development containing no less than twenty-five (25) percent of the required open space.
 - (8) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.

- (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Cumru Township, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the approval of Cumru Township.
- (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Cumru Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (I) In addition to the townhouse units, the proposed multi-family development may contain the following non-residential uses, provided they are considered as part of the special exception application:
 - (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the development and which are owned and operated by the developer or homeowners association.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the multi-family townhouse unit development.
 - (3) Active and passive recreation uses conducted on the areas designated as common open space.
- (J) As part of the special exception application, the Cumru Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (K) Unless otherwise specified by the Cumru Township, the special exception application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Cumru Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 705: Multi-Family Apartment Uses and Developments

- (A) Multi-family apartment units, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the HR Zoning District.
- (B) All multi-family apartment unit developments shall be designed in accordance with the following requirements:
 - (1) The minimum amount of land in the development shall be five (5) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Cumru Township may consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the multi-family apartment unit development can be planned and designed as a multi-family community.

- (2) The permitted uses contained within the development shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (3) The permitted uses contained within the development shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall provide documentation or evidence that the quantity of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
 - (4) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (5) The maximum permitted residential density (apartment units per gross acre) for multi-family apartment unit developments shall be ten (10) apartment units per gross acre.
 - (6) A minimum of sixty (60) percent of the gross area of the multi-family apartment unit development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this Zoning Ordinance.
- (C) The multi-family apartment development shall be designed to comply with the following minimum and maximum dimensional requirements:
- (1) The total number of individual apartment units contained within a single building shall not exceed thirty (30) apartment units.
 - (2) The building setback line should be established fifty (50) feet from the right-of-way line or sixty (60) feet from the curb line.
 - (3) The minimum building separation from other groups of apartment units within the development shall be as follows:
 - (a) The separation shall be sixty (60) feet when the apartment unit groups are side to side.
 - (b) The separation shall be eighty (80) feet when the apartment unit groups are side to rear.
 - (c) The separation shall be eighty (80) feet when the apartment unit groups are rear to rear.
 - (4) The maximum length of any building occupying individual apartment units shall not exceed two hundred (200) feet.
 - (5) The maximum depth of any building occupying individual apartment units shall not exceed one hundred (100) feet.
 - (6) The maximum height of the building shall be thirty-five (35) feet. The maximum height may be increased to forty-five (45) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
 - (7) All apartment units within the development shall be located at least sixty (60) feet from any property line or property, which is not owned by the applicant in pre-development conditions.

- (8) No more than twenty-five (25) percent of the total area of the development shall be covered by buildings.
 - (9) No more than forty (40) percent of the total area of the development shall be covered by impervious surfaces.
- (D) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (E) The multi-family apartment unit development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The development shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the conditional use plan utilizing the objective criteria and standards of Cumru Township relating to the proposed housing types, street locations and required infrastructure and their intended location within the site.
 - (2) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements within the multi-family apartment unit development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (3) The applicant shall give special attention to the main entrance(s) to the multi-family development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development.
 - (4) A landscaping plan shall be submitted to Cumru Township for consideration as part of the special exception application. Unless otherwise permitted by Cumru Township, the applicant shall provide two (2) new trees per apartment unit. The trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The multi-family development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the approval of Cumru Township. The use of existing healthy mature trees (12 inches or more in diameter at breast height) should be utilized as part of the required buffer yard.
 - (6) Apartment units shall be constructed utilizing courtyards, common porticos, mansards, gables and/or hip roofs as part of the architectural design. Where feasible, the front building lines or facade of the common apartment building should be staggered or offset.
 - (7) The access drives and common off-street parking areas shall be designed considering the provisions of Article 10 of this Zoning Ordinance as well as the following requirements:
 - (a) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.
 - (b) Common parking areas and access drives shall be located a minimum of twenty (20) feet from all buildings and structures within the development. Common parking areas shall be a minimum of ten (10) feet from all street rights-of-way and exterior lot lines of the development.
 - (c) The entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
 - (d) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) off-street parking spaces shall be accommodated in any one (1) parking area. All

common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Section 914 of this Zoning Ordinance.

- (e) Entrances to and exits from common parking areas shall be located a minimum of one hundred (100) feet from the point of intersection of the nearest street curb lines.
 - (8) Exterior storage areas for trash and rubbish shall be enclosed and screened from view on three (3) sides by fencing and landscaping. All trash and rubbish shall be contained in vermin-proof containers.
- (F) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of sixty (60) percent of the gross area of the development tract shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas classified as Category 3 Slopes.
 - (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described by the Cumru Township Subdivision and Land Development Ordinance.
 - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the special exception application.
 - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
 - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than fifty (50) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the multi-family apartment unit development containing no less than twenty-five (25) percent of the required open space.
 - (8) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
 - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Cumru Township, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.

- (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Cumru Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (G) In addition to the proposed apartment units, the proposed multi-family development may contain the following non-residential uses, provided they are considered as part of the special exception application:
- (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the multi-family apartment unit development and which are owned and operated by the developer or homeowners association.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the multi-family apartment unit development.
 - (3) Active and passive recreation uses conducted on the areas designated as common open space
- (H) The owner of the apartment building shall provide Cumru Township with a list of tenants who reside within the apartment building. Any change in tenancy shall be reported to Cumru Township on a semi-annual basis.
- (I) As part of the special exception application, the Cumru Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (J) Unless otherwise specified by the Cumru Township, the special exception application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Cumru Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 706: Cluster Design for the AG Zoning District

- (A) The purpose of this section of the Zoning Ordinance is to provide development and design standards for Cluster Design for the AG Zoning District. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Governor Mifflin Region Comprehensive Plan.
 - (6) To implement the goals and objectives of the Berks County Conservation Zoning Incentive Program.
- (B) For the purposes of Section 706 of this Zoning Ordinance, Cluster Design for the AG Zoning District shall also be referenced as “AG Cluster Development”.

- (C) AG Cluster Developments containing single family detached residential units, as further defined under Article 2 of this Zoning Ordinance shall be permitted by right within the AG Zoning District.
- (D) AG Cluster Developments shall be designed to comply with the following design and eligibility requirements:
- (1) The minimum amount of land in the development shall be twenty (20) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Cumru Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the AG Cluster Development can be strategically designed as a unified community.
 - (2) Single family dwelling units including their accessory structures and uses shall be permitted within the AG Cluster Development. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
 - (3) The permitted uses contained within the development shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (4) If on-lot sewage disposal facilities are to be utilized for the AG Cluster Development, a primary and secondary area designated for on-lot sewage shall be provided within the lot for each residential use. The common open space shall be designated as a third option for on-lot sewage disposal should the primary and secondary sites for on-lot sewage fail.
 - (5) The permitted uses contained within the development shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (6) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (7) A minimum of fifty (50) percent of the gross area of the AG Cluster Development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
 - (8) The maximum permitted base residential density provision for the AG Cluster Development shall be 0.50 dwelling units per gross acre.
- (E) The following land uses shall be permitted uses within the AG Cluster Development:
- (1) Single-family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
 - (a) The minimum net lot area for each individual residential lot shall be one (1) acre.
 - (b) The minimum lot width for each individual residential lot shall be one hundred-fifty (150) feet.

- (c) The minimum front yard setback shall be fifty (50) feet. Cumru Township may allow an architectural projection of five (5) feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
 - (d) The minimum side yard setback shall be thirty (30) feet, as measured on each side.
 - (e) The minimum rear yard setback shall be fifty (50) feet.
 - (f) The maximum building height shall be thirty-five (35) feet.
 - (g) The maximum building coverage shall be fifteen (15) percent for each lot.
 - (h) The maximum lot coverage shall be twenty-five (25) percent for each lot.
- (2) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 844 of this Zoning Ordinance.
 - (3) Municipal uses, subject to Section 838 of this Zoning Ordinance.
 - (4) Category 1 Home Occupation Use, subject to Section 715.1 of this Zoning Ordinance.
- (F) The AG Cluster Development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 706 of this Zoning Ordinance. The sketch plan shall show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the AG Cluster Development shall be set aside and maintained as common open space.
 - (5) The proposed residential lots and dwelling units within the AG Cluster Development shall have suitable access to an existing public street.
 - (6) No more than four (4) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
 - (7) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the AG Cluster Development shall be constructed upon the areas defined as Category 3 Slopes.
 - (8) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by Cumru Township to accommodate the proposed AG Cluster Development.
 - (9) The applicant should give special attention to the main entrance(s) to the AG Cluster Development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design may be provided and considered as a prominent feature of the development.

- (10) In addition to the interior parking spaces within garages, each single family detached residential lot within the AG Cluster Development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of eight (8) percent.
 - (11) The design requirements and specifications contained within the Cumru Township Subdivision and Land Development Ordinance shall be applied to the AG Cluster Development as part of the application for subdivision and land development plan approval.
- (G) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (H) The AG Cluster Development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The AG Cluster Development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the AG Cluster Development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to Cumru Township for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide three (3) new trees for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The AG Cluster Development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Commissioners. The use of existing healthy mature trees (12 inches or more in diameter at breast height) is encouraged and may be utilized as part of the required buffer yard.
 - (6) The AG Cluster Development should be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (I) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.

- (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
- (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
- (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the AG Cluster Development containing no less than twenty-five (25) percent of the required open space.
- (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
- (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Cumru Township, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (8) The land areas designated as common open space shall be subject to the review and approval of the Board of Commissioners.
- (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Cumru Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.

(J) The AG Cluster Development shall be designed in accordance with the following procedural requirements:

- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 706 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
- (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan, which shall not be considered as an official plan submission in accordance with the provisions of Cumru Township and the Pennsylvania Municipalities Planning Code.
- (3) The Cumru Township Planning Commission may schedule a public meeting to conduct a site review of the area being considered for the AG Cluster Development. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.

- (4) Prior to the submission of the preliminary subdivision and land development plan application, the Cumru Township Planning Commission, Zoning Officer and Engineer may issue recommendations concerning the sketch plan for the AG Cluster Development.
 - (5) If a favorable recommendation has been issued by the Cumru Township Planning Commission, Zoning Officer and Engineer, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by Cumru Township.
 - (6) If the preliminary subdivision and land development plan is approved by Cumru Township, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by Cumru Township.
- (K) As part of the subdivision and land development plan, Cumru Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 707: Cluster Design for the RC Zoning District

- (A) The purpose of this section of the Zoning Ordinance is to provide development and design standards for Cluster Design for the RC Zoning District. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Governor Mifflin Region Comprehensive Plan.
 - (6) To implement the goals and objectives of the Berks County Conservation Zoning Incentive Program.
- (B) For the purposes of Section 707 of this Zoning Ordinance, Cluster Design for the RC Zoning District shall also be referenced as “RC Cluster Development”.
- (C) RC Cluster Developments containing single family detached residential units, as further defined under Article 2 of this Zoning Ordinance shall be permitted by right within the RC Zoning District.
- (D) RC Cluster Developments shall be designed to comply with the following design and eligibility requirements:
- (1) The minimum amount of land in the development shall be thirty (30) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Cumru Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the RC Cluster Development can be strategically designed as a unified community.
 - (2) Single family dwelling units including their accessory structures and uses shall be permitted within the RC Cluster Development. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
 - (3) The permitted uses contained within the development shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act

537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.

- (4) If on-lot sewage disposal facilities are to be utilized for the RC Cluster Development, a primary and secondary area designated for on-lot sewage shall be provided within the lot for each residential use. The common open space shall be designated as a third option for on-lot sewage disposal should the primary and secondary sites for on-lot sewage fail
- (5) The permitted uses contained within the development shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
- (6) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (7) A minimum of sixty (60) percent of the gross area of the RC Cluster Development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
- (8) The maximum permitted base residential density provision for the RC Cluster Development shall be 0.33 dwelling units per gross acre.

(E) The following land uses shall be permitted uses within the RC Cluster Development:

- (1) Single-family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
 - (a) The minimum net lot area for each individual residential lot shall be one (1) acre.
 - (b) The minimum lot width for each individual residential lot shall be one hundred-fifty (150) feet.
 - (c) The minimum front yard setback shall be fifty (50) feet. Cumru Township may allow an architectural projection of five (5) feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
 - (d) The minimum side yard setback shall be thirty (30) feet, as measured on each side.
 - (e) The minimum rear yard setback shall be fifty (50) feet.
 - (f) The maximum building height shall be thirty-five (35) feet.
 - (g) The maximum building coverage shall be fifteen (15) percent for each lot.
 - (h) The maximum lot coverage shall be twenty-five (25) percent for each lot.
- (2) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 844 of this Zoning Ordinance.
- (3) Municipal uses, subject to Section 838 of this Zoning Ordinance.
- (4) Category 1 Home Occupation Use, subject to Section 715.1 of this Zoning Ordinance.

- (F) The RC Cluster Development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 707 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the RC Cluster Development shall be set aside and maintained as common open space.
 - (5) The proposed residential lots and dwelling units within the RC Cluster Development shall have suitable access to an existing public street.
 - (6) No more than four (4) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
 - (7) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the RC Cluster Development shall be constructed upon the areas defined as Category 3 Slopes.
 - (8) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by Cumru Township to accommodate the proposed RC Cluster Development.
 - (9) The applicant should give special attention to the main entrance(s) to the RC Cluster Development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design may be provided and considered as a prominent feature of the development.
 - (10) In addition to the interior parking spaces within garages, each single family detached residential lot within the RC Cluster Development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of eight (8) percent.
 - (11) The design requirements and specifications contained within the Cumru Township Subdivision and Land Development Ordinance shall be applied to the RC Cluster Development as part of the application for subdivision and land development plan approval.
- (G) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (H) The RC Cluster Development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The RC Cluster Development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.

- (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the RC Cluster Development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to Cumru Township for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide three (3) new trees for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The RC Cluster Development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Commissioners. The use of existing healthy mature trees (12 inches or more in diameter at breast height is encouraged and may be utilized as part of the required buffer yard.
 - (6) The RC Cluster Development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (I) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of sixty (60) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than thirty (30) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
 - (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
 - (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the RC Cluster Development containing no less than thirty (30) percent of the required open space.
 - (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.

- (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
- (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Cumru Township, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (8) The land areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Cumru Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (J) The RC Cluster Development shall be designed in accordance with the following procedural requirements:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 707 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
 - (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan, which shall not be considered as an official plan submission in accordance with the provisions of Cumru Township and the Pennsylvania Municipalities Planning Code.
 - (3) The Cumru Township Planning Commission may schedule a public meeting to conduct a site review of the area being considered for the RC Cluster Development. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
 - (4) Prior to the submission of the preliminary subdivision and land development plan application, the Cumru Township Planning Commission, Zoning Officer and Engineer may issue recommendations concerning the sketch plan for the RC Cluster Development.
 - (5) If a favorable recommendation has been issued by the Cumru Township Planning Commission, Zoning Officer and Engineer, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by Cumru Township.
 - (6) If the preliminary subdivision and land development plan is approved by Cumru Township, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by Cumru Township.
- (K) As part of the subdivision and land development plan, Cumru Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 708: Cluster Design for the MR Zoning District

- (A) The purpose of this section of the Zoning Ordinance is to provide development and design standards for Cluster Design for the MR Zoning District. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Governor Mifflin Region Comprehensive Plan.
 - (6) To implement the goals and objectives of the Berks County Conservation Zoning Incentive Program.
- (B) For the purposes of Section 708 of this Zoning Ordinance, Cluster Design for the MR Zoning District shall also be referenced as “MR Cluster Development”.
- (C) MR Cluster Developments containing single family detached residential units, as further defined under Article 2 and permitted under the provisions of Section 708 of the Zoning Ordinance shall be permitted by right within the MR Zoning District.
- (D) MR Cluster Developments shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be ten (10) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Cumru Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the MR Cluster Development can be strategically designed as a unified community.
 - (2) Single family dwelling units including their accessory structures and uses shall be permitted within a MR Cluster Development. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
 - (3) The permitted uses contained within the development shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (4) The permitted uses contained within the development shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall provide documentation or evidence that the quantity of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
 - (5) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.

- (6) A minimum of fifty (50) percent of the gross area of the MR Cluster Development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
 - (7) Unless otherwise permitted, the maximum permitted base residential density provision for the MR Cluster Development shall be 6.00 dwelling units per gross acre.
- (E) The following land uses shall be permitted uses within the MR Cluster Development:
- (1) Single-family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
 - (a) The minimum net lot area for each individual residential lot shall be 5,000 square feet.
 - (b) The minimum lot width for each individual residential lot shall be sixty (60) feet.
 - (c) The minimum front yard setback shall be thirty (30) feet. Cumru Township may allow an architectural projection of five (5) feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
 - (d) The minimum side yard setback shall be eight (8) feet, as measured on each side.
 - (e) The minimum rear yard setback shall be fifteen (15) feet.
 - (f) The maximum building height shall be thirty-five (35) feet.
 - (g) The maximum building coverage shall be forty (40) percent for each lot.
 - (h) The maximum lot coverage shall be fifty (50) percent for each lot.
 - (i) All proposed single family detached residential units within the cluster development shall be located at least thirty (30) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (2) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the MR Cluster Development and which are owned and operated by the developer or homeowners association.
 - (3) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the MR Cluster development.
 - (4) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 844 of this Zoning Ordinance.
 - (5) Municipal uses, subject to Section 838 of this Zoning Ordinance.
 - (6) Category 1 Home Occupation Use, subject to Section 715.1 of this Zoning Ordinance.
- (F) A density bonus of 0.25 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the preliminary subdivision and land development plan application. The maximum permitted density bonus shall not exceed 1.0 dwelling unit per gross acre. As part of the preliminary subdivision and land development plan application, Cumru Township may consider a density bonus for the following design objectives:
- (1) The MR Cluster Development provides consideration for active recreation facilities on at least twenty-five (25) percent of the land area designated as open space within the MR cluster development.

- (2) The MR Cluster Development provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty-five (25) percent of the land area designated as open space within the MR cluster development.
 - (3) The MR Cluster Development is designed as an adult or age-qualified residential community.
 - (4) The MR Cluster Development is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, wood, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (5) The MR Cluster Development provides additional open space areas beyond the minimum requirement of fifty (50) percent of the gross tract area, regardless of configuration, whereas a 0.25 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the MR Cluster Development. The maximum density bonus for this provision shall not exceed 1.0 dwelling units per acre.
- (G) The MR Cluster Development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 708 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the MR Cluster Development shall be set aside and maintained as common open space.
 - (5) The proposed residential lots and dwelling units within the MR Cluster Development shall have suitable access to an existing public street.
 - (6) No more than four (4) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
 - (7) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the MR Cluster Development shall be constructed upon the areas defined as Category 3 Slopes.
 - (8) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by Cumru Township to accommodate the proposed MR Cluster Development.
 - (9) The applicant shall give special attention to the main entrance(s) to the MR Cluster Development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development.
 - (10) In addition to the interior parking spaces within garages, each single family detached residential lot within the MR Cluster Development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of five (5) percent.

- (11) The design requirements and specifications contained within the Cumru Township Subdivision and Land Development Ordinance shall be applied to the MR Cluster Development as part of the application for subdivision and land development plan approval.
- (H) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (I) The MR Cluster Development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The MR Cluster Development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the MR Cluster Development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to Cumru Township for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide three (3) new trees for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The MR Cluster Development shall provide a 20 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Commissioners. The use of existing healthy mature trees (12 inches or more in diameter at breast height) is encouraged and may be utilized as part of the required buffer yard.
 - (6) The MR Cluster Development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (J) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.

- (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
- (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the MR Cluster Development containing no less than twenty-five (25) percent of the required open space.
- (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
- (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Cumru Township, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (8) The land areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Cumru Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.

(K) The MR Cluster Development shall be designed in accordance with the following procedural requirements:

- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 708 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
- (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan., which shall not be considered as an official plan submission in accordance with the provisions of Cumru Township and the Pennsylvania Municipalities Planning Code.
- (3) The Cumru Township Planning Commission may schedule a public meeting to conduct a site review of the area being considered for the MR Cluster Development. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
- (4) Prior to the submission of the preliminary subdivision and land development plan application, the Cumru Township Planning Commission, Zoning Officer and Engineer may issue recommendations concerning the sketch plan for the MR Cluster Development.

- (5) If a favorable recommendation has been issued by the Cumru Township Planning Commission, Zoning Officer and Engineer, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by Cumru Township.
 - (6) If the preliminary subdivision and land development plan is approved by Cumru Township, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by Cumru Township.
- (L) As part of the subdivision and land development plan, Cumru Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 709: Cluster Design for the HR Zoning District

- (A) The purpose of this section of the Zoning Ordinance is to provide development and design standards for Cluster Design for the HR Zoning District. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Governor Mifflin Region Comprehensive Plan.
 - (6) To implement the goals and objectives of the Berks County Conservation Zoning Incentive Program.
- (B) For the purposes of Section 709 of this Zoning Ordinance, Cluster Design for the HR Zoning District shall also be referenced as “HR Cluster Development”.
- (C) HR Cluster Developments containing single family detached residential units, townhouse units, apartment units or condominium units, as further defined under Article 2 and permitted under the provisions of Section 709 of the Zoning Ordinance shall be permitted by right within the HR Zoning District.
- (D) HR Cluster Developments shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be ten (10) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Cumru Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the HR Cluster Development can be strategically designed as a unified community.
 - (2) Residential uses containing single-family dwelling units, townhouse units, apartments, and their accessory structures and uses shall be permitted within a HR Cluster Development. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
 - (3) The permitted uses contained within the development shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All

sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.

- (4) The permitted uses contained within the development shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall provide documentation or evidence that the quantity of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
- (5) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (6) A minimum of fifty (50) percent of the gross area of the HR Cluster Development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
- (7) Unless otherwise permitted, the maximum permitted base residential density provision for the HR Cluster Development shall be 10.00 dwelling units per gross acre.

(E) The following land uses shall be permitted uses within a HR Cluster Development:

- (1) Single family detached residential uses, subject to the following minimum and maximum development requirements:
 - (a) At least fifty (50) percent of the residential uses contained within the HR Cluster Development shall be designed as single-family detached residential uses.
 - (b) The minimum net lot area for each individual residential lot shall be 4,000 square feet.
 - (c) The minimum lot width for each individual residential lot shall be fifty (50) feet.
 - (d) The minimum front yard setback shall be twenty-five (25) feet. Cumru Township may allow an architectural projection of five (5) feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
 - (e) The minimum side yard setback shall be five (5) feet, as measured on each side.
 - (f) The minimum rear yard setback shall be ten (10) feet.
 - (g) The maximum building height shall be thirty-five (35) feet.
 - (h) The maximum building coverage shall be fifty (50) percent for each lot.
 - (i) The maximum lot coverage shall be seventy (70) percent for each lot.
- (2) Townhouse units, subject to the following minimum and maximum development requirements:
 - (a) The maximum number of townhouse units within the HR Cluster Development shall not exceed fifty (50) percent of the total number of permitted residential uses or units.
 - (b) The minimum width of a townhouse unit shall be twenty (20) feet.
 - (c) The building setback line should be established twenty (20) feet from the right-of-way line or thirty (30) feet from the curb line.

- (d) The minimum building separation from other groups of townhouse units within the development shall be as follows: the separation shall be twenty (20) feet when the townhouse unit groups are side to side; the separation shall be thirty (30) feet when the townhouse unit groups are side to rear; and the separation shall be forty (40) feet when the townhouse unit groups are rear to rear.
 - (e) All townhouse units within the development shall be located at least forty (40) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (f) The number of townhouse units, attached in a common row, shall not exceed eight (8) attached townhouse units provided that the front building lines or facades of any two adjoining townhouse units are offset by a minimum of two (2) feet.
 - (g) The maximum height of a townhouse unit shall be thirty-five (35) feet. The maximum height may be increased to forty-five (45) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
- (3) Apartment or condominium units, subject to the following minimum and maximum development requirements:
- (a) The maximum number of apartment or condominium units within the HR Cluster Development shall not exceed fifty (50) percent of the total number of permitted residential uses or units.
 - (b) The total number of individual residential units contained within a single complex or building shall not exceed thirty (30) apartment units or condominium units.
 - (c) The building setback line should be established fifty (50) feet from the right-of-way line or sixty (60) feet from the curb line.
 - (d) The minimum building separation from other groups of buildings within the development shall be as follows: the separation shall be sixty (60) feet when the buildings are side to side; the separation shall be eighty (80) feet when the buildings are side to rear; and the separation shall be eighty (80) feet when the buildings are rear to rear.
 - (e) The maximum length of any building occupying individual apartment units or condominium units shall not exceed two hundred (200) feet.
 - (f) The maximum depth of any building occupying apartment units or condominium units shall not exceed one hundred (100) feet.
 - (g) The maximum height of the building shall be thirty-five (35) feet. The maximum height may be increased to forty-five (45) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
 - (h) All apartment units or condominium units within the development shall be located at least one hundred (100) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
- (4) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the HR Cluster Development and which are owned and operated by the developer or homeowners association.
- (a) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the HR Cluster development.

- (b) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 844 of this Zoning Ordinance.
 - (c) Municipal uses, subject to Section 838 of this Zoning Ordinance.
 - (d) Category 1 Home Occupation Use, subject to Section 715.1 of this Zoning Ordinance.
- (F) A density bonus of 0.25 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the preliminary subdivision and land development plan application. The maximum permitted density bonus shall not exceed 2.0 dwelling unit per gross acre. As part of the preliminary subdivision and land development plan application, Cumru Township may consider a density bonus for the following design objectives:
- (1) The HR Cluster Development provides consideration for active recreation facilities on at least twenty-five (25) percent of the land area designated as open space within the HR cluster development.
 - (2) The HR Cluster Development provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty-five (25) percent of the land area designated as open space within the HR cluster development.
 - (3) The HR Cluster Development is designed as an adult or age-qualified residential community.
 - (4) The HR Cluster Development is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, wood, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (5) The HR Cluster Development provides additional open space areas beyond the minimum requirement of fifty (50) percent of the gross tract area, regardless of configuration, whereas a 0.25 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the HR Cluster Development. The maximum density bonus for this provision shall not exceed 1.0 dwelling units per acre.
- (G) The HR Cluster Development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 709 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The area occupied by each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the HR Cluster Development shall be set aside and maintained as common open space.
 - (5) The proposed residential lots and dwelling units within the HR Cluster Development shall have suitable access to an existing public street.
 - (6) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the HR Cluster Development shall be constructed upon the areas defined as Category 3 Slopes.

- (7) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by Cumru Township to accommodate the proposed HR Cluster Development.
 - (8) The applicant shall give special attention to the main entrance(s) to the HR Cluster Development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development.
 - (9) In addition to the interior parking spaces within garages, each residential use within the HR Cluster Development shall provide a minimum of two (2) off-street parking spaces.
 - (10) The design requirements and specifications contained within the Cumru Township Subdivision and Land Development Ordinance shall be applied to the HR Cluster Development as part of the application for subdivision and land development plan approval.
- (H) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (I) The HR Cluster Development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The HR Cluster Development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the HR Cluster Development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to Cumru Township for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide three (3) new trees for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The HR Cluster Development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the approval of Cumru Township. The use of existing healthy mature trees (12 inches or more in diameter at breast height) is encouraged and may be utilized as part of the required buffer yard.
 - (6) The HR Cluster Development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (J) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:

- (1) A minimum of fifty (50) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
- (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
- (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
- (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
- (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the HR Cluster Development containing no less than twenty-five (25) percent of the required open space.
- (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
- (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Cumru Township, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (8) The land areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Cumru Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.

(K) The HR Cluster Development shall be designed in accordance with the following procedural requirements:

- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 709 of this Zoning Ordinance. The sketch plan shall show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.

- (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan, which shall not be considered as an official plan submission in accordance with the provisions of Cumru Township and the Pennsylvania Municipalities Planning Code.
 - (3) The Cumru Township Planning Commission may schedule a public meeting to conduct a site review of the area being considered for the HR Cluster Development. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
 - (4) Prior to the submission of the preliminary subdivision and land development plan application, the Cumru Township Planning Commission, Zoning Officer and Engineer may issue recommendations concerning the sketch plan for the HR Cluster Development.
 - (5) If a favorable recommendation has been issued by the Cumru Township Planning Commission, Zoning Officer and Engineer, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by Cumru Township.
 - (6) If the preliminary subdivision and land development plan is approved by Cumru Township, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by Cumru Township.
- (L) As part of the subdivision and/or land development plan. Cumru Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 710: Group Homes

- (A) Group Homes, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception in the AG, RC, LR, MR and HR Zoning Districts.
- (B) All group homes shall be designed and contained within a single-family detached dwelling unit located on an approved lot that complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the single-family dwelling and group home is located.
- (C) The supplemental matrix charts contained within Article 4 of this Zoning Ordinance provides the basic utility requirements (sewer and water facilities) for each permitted use by its assigned zoning district. The following specific provisions shall apply to utility provisions for group homes:
 - (1) Group homes shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (2) Group homes shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (3) All other utility provisions serving group homes shall be planned and installed in accordance with the specifications of the public utility provider supplying service. The applicant shall provide documentation from the utility provider that the services are capable of accommodating the needs of the group home.

- (D) All group homes shall be designed in accordance with the following general standards and requirements:
- (1) A site plan or land development plan shall be accurately prepared to scale depicting the location and the dimensions of the group home, off-street parking areas, private entrances, walkways, fencing and landscaping.
 - (2) Architectural plans shall be prepared to scale depicting the dimensions, intended use and square footage of each room and storage area within the group home.
 - (3) No group home shall be located within 1,500 linear feet of another group home.
 - (4) One (1) off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees that could be present at any given time, plus one (1) space for each two (2) persons within the group home. Garage space shall not be used in calculating off-street parking.
 - (5) The premises at which the group home is located shall be owned or leased by the licensed social services agency sponsoring the group home.
 - (6) No more than two (2) live-in supervisors shall reside in a group home.
 - (7) The only physical changes or alterations to the dwelling shall be those required by state and federal law. When the group home use is abandoned, the dwelling shall be restored to a single-family dwelling unit.
 - (8) The sponsoring social service agency shall provide documentation to Cumru Township that all building, fire, plumbing, heating, electrical and similar facilities meet the standards established by the Cumru Township and by the Commonwealth of Pennsylvania.
 - (9) The sponsoring social service agency shall provide documentation to Cumru Township that the group home has been certified as an approved use within the Commonwealth of Pennsylvania.
 - (10) The sponsoring social service agency shall be responsible for the physical safety and emotional support of the residents within the group home. A point of contact and/or designated counselor should be available twenty-four (24) hours per day, seven (7) days per week. Likewise, immediate contact with the sponsoring social service agency should be made available to Cumru Township.
 - (11) The sponsoring social service agency shall provide Cumru Township with a list of tenants who reside within the group home. Any change in tenancy shall be reported to Cumru Township on a semi-annual basis.
 - (12) No group home shall have more than five (5) unrelated residents at any given time period.
 - (13) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to Cumru Township for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to the social workers and tenants of the group home.
 - (14) The rear yard of the property shall contain a minimum of two hundred and fifty (250) square feet of land area, which shall be capable of accommodating six (6) persons at once.
- (E) As part of the special exception application, the Zoning Hearing Board may impose other requirements deemed necessary or appropriate.
- (F) All group homes shall be subject to an annual inspection by the Cumru Township Zoning Officer and Code Enforcement Officer.

Section 711: Age-Qualified Retirement Community

- (A) The purpose of this section of the Zoning Ordinance is to provide development standards for age-qualified retirement communities, containing townhouses, apartments and condominium units. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach for senior housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.
 - (2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.
 - (3) To efficiently utilize the remaining undeveloped land area within Cumru Township, while providing additional housing opportunities for persons over fifty-five (55) years of age.
 - (4) To implement the recommendations concerning natural features, development, utilities, transportation, housing and land use, as outlined within the Governor Mifflin Region Comprehensive Plan.
- (B) Age-qualified retirement communities, as further defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the MR and HR Zoning Districts.
- (C) Age-qualified retirements shall be developed, organized and operated in accordance with all state and federal laws relative to the housing of persons over 55 years of age. All such developments shall be required to incorporate deed restrictions as part of a homeowners association or similar legal document to ensure that the age-qualified retirement community is securely managed. All such deed restrictions shall be considered by Cumru Township and recorded with the approved land development plan.
- (D) Age-qualified retirement communities shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be ten (10) contiguous acres of land, which shall be owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Cumru Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the age-qualified retirement community can be strategically designed as a unified community.
 - (2) Residential uses containing townhouse units, apartments, condominiums and their accessory structures and uses shall be permitted within an age-qualified retirement community. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
 - (3) The permitted uses contained within the development shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (4) The permitted uses contained within the development shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall provide documentation or evidence that the quantity of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.

- (5) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (6) A minimum of sixty (60) percent of the gross area of the age-qualified retirement community shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
- (7) Unless otherwise permitted, the permitted base residential density for the age-qualified retirement community shall be as follows:
 - (a) The maximum permitted base residential density shall be 8.00 dwelling units per gross acre for age-qualified development in the MR Zoning District.
 - (b) The maximum permitted base residential density shall be 10.00 dwelling units per gross acre for age-qualified development in the HR Zoning District.

(E) The following land uses shall be permitted uses within a age-qualified retirement community:

- (1) Townhouse units, subject to the following minimum and maximum development requirements:
 - (a) The minimum width of a townhouse unit shall be twenty (20) feet.
 - (b) The building setback line should be established twenty (20) feet from the right-of-way line or thirty (30) feet from the curb line.
 - (c) The minimum building separation from other groups of townhouse units within the development shall be as follows: the separation shall be twenty (20) feet when the townhouse unit groups are side to side; the separation shall be thirty (30) feet when the townhouse unit groups are side to rear; and the separation shall be forty (40) feet when the townhouse unit groups are rear to rear.
 - (d) All townhouse units within the development shall be located at least forty (40) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (e) The number of townhouse units, attached in a common row, shall not exceed eight (8) attached townhouse units provided that the front building lines or facades of any two adjoining townhouse units are offset by a minimum of two (2) feet.
 - (f) The maximum height of a townhouse unit shall be thirty-five (35) feet. The maximum height may be increased to forty-five (45) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
- (2) Apartment or condominium units, subject to the following minimum and maximum development requirements:
 - (a) The maximum number of apartment or condominium units within the age-qualified retirement community shall not exceed fifty (50) percent of the total number of permitted residential uses or units.
 - (b) The building setback line should be established fifty (50) feet from the right-of-way line or sixty (60) feet from the curb line.
 - (c) The minimum building separation from other groups of buildings within the development shall be sixty (60) feet regardless of the orientation of the building.
 - (d) The maximum length of any building occupying individual apartment or condominium units shall not exceed two hundred (200) feet.

- (e) The maximum depth of any building occupying apartment or condominium units shall not exceed one hundred (100) feet.
 - (f) The maximum height of the building shall be thirty-five (35) feet. The maximum height may be increased to forty-five (45) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
 - (g) All apartment units or condominium units within the development shall be located at least one hundred (100) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (h) No more than twenty-five (25) percent of the total area of the development shall be covered by buildings occupying apartment or condominium units.
 - (i) No more than forty (40) percent of the total area of the development shall be covered by impervious surfaces.
- (3) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the age-qualified retirement community and which are owned and operated by the developer or homeowners association.
 - (4) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the age-qualified retirement community.
 - (5) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 844 of this Zoning Ordinance.
 - (6) Municipal uses, subject to Section 838 of this Zoning Ordinance.
 - (7) Category 1 Home Occupation Use, subject to Section 715.1 of this Zoning Ordinance.
- (F) A density bonus of 0.25 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the preliminary subdivision and land development plan application. The maximum permitted density bonus shall not exceed 2.0 dwelling unit per gross acre. As part of the preliminary subdivision and land development plan application, Cumru Township may consider a density bonus for the following design objectives:
- (1) The age-qualified retirement community provides consideration for active recreation facilities on at least twenty-five (25) percent of the land area designated as open space within the development.
 - (2) The age-qualified retirement community provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty-five (25) percent of the land area designated as open space within the development.
 - (3) The age-qualified retirement community is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, wood, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (4) The age-qualified retirement community provides additional open space areas beyond the minimum requirement of fifty (50) percent of the gross tract area, regardless of configuration, whereas a 0.25 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the age-qualified retirement community. The maximum density bonus for this provision shall not exceed 1.0 dwelling units per acre.

- (G) The age-qualified retirement community shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 711 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The area occupied by each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the age-qualified retirement community shall be set aside and maintained as common open space.
 - (5) The proposed residential units and uses within the age-qualified retirement community shall have suitable access to an existing public street.
 - (6) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the age-qualified retirement community shall be constructed upon the areas defined as Category 3 Slopes.
 - (7) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by Cumru Township to accommodate the proposed age-qualified retirement community.
 - (8) The applicant should give special attention to the main entrance(s) to the age-qualified retirement community. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design should be considered as a prominent feature of the development.
 - (9) Each residential use within the age-qualified retirement community shall provide a minimum of two (2) off-street parking spaces.
 - (10) The design requirements and specifications contained within the Cumru Township Subdivision and Land Development Ordinance shall be applied to the age-qualified retirement community as part of the application for subdivision and land development plan approval.
- (H) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (I) Age-qualified retirement communities shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The age-qualified retirement community shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the age-qualified retirement community, depicting the proposed location thereof in

relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.

- (4) A landscaping plan shall be submitted to Cumru Township for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide one (1) new tree for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The age-qualified retirement community shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the approval of Cumru Township. The use of existing healthy mature trees (12 inches or more in diameter at breast height) is encouraged and may be utilized as part of the required buffer yard.
 - (6) The age-qualified retirement community shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (J) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of sixty (60) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
 - (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
 - (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the age-qualified retirement community containing no less than twenty-five (25) percent of the required open space.
 - (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
 - (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Cumru Township, who shall have the option to accept or refuse the land offered for dedication.

- (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of Cumru Township.
- (8) The land areas designated as common open space shall be subject to the approval of Cumru Township.
 - (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Cumru Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (K) The age-qualified retirement community shall be designed in accordance with the following procedural requirements:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 711 of this Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
 - (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan, which shall not be considered as an official plan submission in accordance with the provisions of Cumru Township and the Pennsylvania Municipalities Planning Code.
 - (3) The Cumru Township Planning Commission may schedule a public meeting to conduct a site review of the area being considered for the age-qualified retirement community. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
 - (4) Prior to the submission of the preliminary subdivision and land development plan application, the Cumru Township Planning Commission, Zoning Officer and Engineer may issue recommendations concerning the sketch plan for the age-qualified retirement community.
 - (5) If a favorable recommendation has been issued by the Cumru Township Planning Commission, Zoning Officer and Engineer, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by Cumru Township.
 - (6) If the preliminary subdivision and land development plan is approved by Cumru Township, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by Cumru Township.
- (L) As part of the subdivision and/or land development plan, Cumru Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 712 Personal Care, Assisted Living Care Facilities, Convalescent Homes and Nursing Homes

- (A) Assisted living care facilities, convalescent homes and nursing homes, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception in the MR, HR and LC Zoning Districts, subject to the provisions of the Cumru Township Zoning Ordinance as well as the following design standards and specifications:
- (1) A minimum of five (5) acres of contiguous net land area shall be required to accommodate the assisted living care facility, convalescent home and/or nursing home. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the assisted living care facility, convalescent home and/or nursing is located shall apply.
 - (2) The assisted living care facility, convalescent home and/or nursing home shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as prepared and adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (3) The assisted living care facility, convalescent home and/or nursing home shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall provide documentation or evidence that the quantity of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
 - (4) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (5) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
 - (6) All designated points of ingress and egress for emergency management vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
 - (7) All means of ingress and/or egress shall be located at least 150 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Cumru Township.
 - (8) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
 - (9) All proposed signs for the assisted living care facility, convalescent home and/or nursing home shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
 - (10) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any property line.

- (11) All medical waste, bio-hazardous materials, equipment, red bag waste, and other similar items, which because of its potential health risks, shall be discarded in a manner specified by local, county, state and federal laws.
 - (12) Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Berks County, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
 - (13) Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak and vermin-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable local, county, state and federal standards and regulations.
 - (14) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to Cumru Township for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to occupants of the facility.
 - (15) A landscaping plan shall be submitted to Cumru Township for consideration as part of the special exception application. The applicant shall provide one (1) new tree for each proposed residential unit. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
- (B) As part of the special exception application, the applicant shall provide evidence that the assisted living care facility, convalescent home and/or nursing home shall comply with the provisions established within this Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the Cumru Township Engineer and Zoning Officer to initially discuss the documentation that may be required as part of the application.
 - (C) As part of the special exception application, the Cumru Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and land development plan.
 - (D) If the special exception application is approved, a complete land development plan shall be submitted to Cumru Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Cumru Township.

Section 713: Bed and Breakfast Establishments

- (A) Bed and breakfast establishments, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the AG, RC and LR Zoning Districts. All bed and breakfast establishments shall be designed in accordance with the following general design requirements:
 - (1) The bed and breakfast establishment shall be contained within a single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.

- (2) All tourist or bed and breakfast establishments shall be located on approved lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are specified by the appropriate zoning district to which the tourist or bed and breakfast establishment is located.
 - (3) The owner of the bed and breakfast establishment shall be a permanent resident of the establishment.
 - (4) A tourist or bed and breakfast establishments shall not have more than five (5) rental units and shall not house more than ten (10) guests.
 - (5) The principal residential use or single-family detached dwelling shall contain complete sanitary sewage disposal services, washing and bathing facilities, and a central kitchen with partial or complete cooking facilities to accommodate the occupants plus all of the guests. No cooking facilities of any kind shall be permitted in any rental units.
 - (6) The applicant shall provide documentation to the Zoning Hearing Board, Zoning Officer and Code Enforcement Officer that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable ordinances, regulations and laws of Cumru Township, Berks County and/or the Commonwealth of Pennsylvania.
 - (7) A minimum of two (2) off-street parking spaces shall be required for the owners of the single-family detached dwelling plus one (1) space for each of the rental units. The proposed off-street parking spaces shall be located at least twenty (20) feet from all property lines and shall comply with the design requirements specified by this Zoning Ordinance. The off-street parking spaces shall be screened from the roadways and other adjacent properties with suitable landscaping materials.
 - (8) All external amenities provided for the guests, including swimming pools, whirlpool spas, tennis courts, gazebos, entertainment areas, and other common facilities shall be located at least fifty (50) feet from all property lines.
 - (9) Non-resident employees shall be limited to two (2) employees.
 - (10) A single decorative on-site sign, measuring four (4) square feet per side shall be permitted for the bed and breakfast establishment. The proposed sign shall be subject to all other requirements specified by this Zoning Ordinance.
 - (11) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to Cumru Township for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted at the establishment and a copy shall be issued to the each guest.
 - (12) The resident owner shall maintain a guest register list, which shall include the names, addresses and length of stay of all guests.
 - (13) The length of stay for any guest at a rooming or boarding house establishment shall not exceed fourteen (14) consecutive days.
- (B) All bed and breakfast establishments shall be subject to an annual inspection by the Cumru Township Zoning Officer and/or Code Enforcement Officer.
- (C) As part of the special exception application, the Zoning Hearing Board may impose other requirements deemed necessary or appropriate.

Section 714: Secondary Housing Unit

- (A) The term “secondary housing unit”, as defined under Article 2 of this Zoning Ordinance, shall include guest houses and accessory apartments for relatives.
- (B) The provisions for guest houses are further specified under Section 714.1 of this Zoning Ordinance.
- (C) The provisions for accessory apartments for relatives are further specified under Section 714.2 of this Zoning Ordinance.

Section 714.1 Guest Houses

- (A) A guest house, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AG, RC, LR and MR Zoning Districts.
- (B) A guest house shall comply with the following general design requirements:
 - (1) The guest house shall be located on an approved lot, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the guest house is located.
 - (2) A guest house shall be considered as an accessory use that is placed on a property for temporary occupancy by a relative or guest of the occupants of the principal dwelling. Unless otherwise subdivided in accordance with the provisions of Cumru Township, the principal use shall remain that of a single-family detached residential dwelling unit and the guest house shall be an accessory use.
 - (3) The guest house shall not be occupied by guests or relatives for a period of time not to exceed ninety (90) consecutive days at any given time nor a total of one hundred and eighty (180) cumulative days during a calendar year.
 - (4) The guest house shall be occupied by a maximum of four (4) people.
 - (5) The guest house may be utilized by the occupants of the principal use as a bath house for a permitted swimming pool.
 - (6) The guest house may not have a gross floor area in excess of 1,500 square feet, including any enclosed garage and basement area.
 - (7) The applicant shall provide evidence to the Zoning Hearing Board that the use of the existing sanitary sewage and water supply systems will have sufficient capacities to accommodate the principal building plus the guest house.
 - (8) Both residential uses shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (9) Both residential uses shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (10) All other utility provisions serving the residential uses shall be planned and installed in accordance with the specifications of the public utility provider supplying service.

- (11) The Cumru Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the existing and proposed utility connection.
 - (12) In addition to the number of off-street parking spaces required to accommodate the principal use, a minimum of one (1) off-street parking space shall be required for the guest house, which shall be designed with unrestricted access to the public street.
 - (13) The guest house shall be installed and located only in the side or rear yards of the principal use, and shall conform to all side and rear yard setback requirements for principal uses, as required for the AG and RC Zoning Districts.
- (C) Upon construction of the guest house, the Zoning Officer shall issue a zoning permit, which shall be reviewed every five (5) years to determine compliance with the decision of the Zoning Hearing Board.
 - (D) As part of the special exception application, the Zoning Hearing Board may impose other requirements deemed necessary or appropriate

Section 714.2 Accessory Apartments for Relatives

- (A) An accessory apartment for relatives, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AG, RC, LR and MR Zoning Districts.
- (B) An accessory apartment for relatives shall comply with the following general design requirements:
 - (1) The accessory apartment for relatives shall be considered an attached component or living area of a permitted single-family dwelling on an approved lot, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the accessory apartment for relatives is located.
 - (2) An accessory apartment for relatives shall be considered as an accessory use to the single-family dwelling, which shall only be utilized by the relatives of the occupants of the single-family dwelling.
 - (3) The accessory apartment for relatives shall be occupied by a maximum of two (2) people.
 - (4) The accessory apartment for relatives may not have a gross floor area in excess of 1,000 square feet of living space, which may include a living room, kitchen, bedroom and bathroom.
 - (5) All utility provisions, including sewage disposal and water supply that serve the accessory apartment for relatives shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or utilized. All such utility connections shall comply with the provisions of Cumru Township and/or the public utility provider providing service.
 - (6) The applicant shall provide evidence to the Zoning Hearing Board that existing on-lot sewage disposal system and well have sufficient capacities to accommodate the principal building plus the accessory apartment for relatives. Where appropriate, the Cumru Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the existing and proposed utility connection.
 - (7) The residential uses shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended) as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (8) The residential uses shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.

- (9) All other utility provisions serving the residential uses shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (10) The Cumru Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the existing and proposed utility connection.
 - (11) In addition to the number of off-street parking spaces required to accommodate the principal use, a minimum of one (1) off-street parking space shall be required for the accessory apartment for relatives, which shall be designed with unrestricted access to the public street.
 - (12) The entrance and living area associated with the accessory apartment may either be designed with common areas to the principal use or physically separated from the principal use.
- (C) Upon construction of the accessory apartment for relatives, the Zoning Officer shall issue a zoning permit, which shall be reviewed every five (5) years to determine compliance with the decision of the Zoning Hearing Board.
 - (D) Upon the abandonment of the accessory apartment for relatives as an accessory or independent use, the area occupied by the accessory apartment must be converted back to common living space with the principal use. Any physical separation or barriers must be removed as part of the conversion. A plan for the eventual conversion shall be provided to the Zoning Hearing Board as part of the special exception application.
 - (E) As part of the special exception application, the Cumru Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

Section 715: Home Occupation Regulations

- (A) For the purposes of this Zoning Ordinance, the term “home occupation”, has been further defined and classified under two (2) separate categories for regulating home occupations as a use within Cumru Township.
- (B) The provisions for a Category 1 Home Occupation are further defined and specified under Section 715.1 of this Zoning Ordinance.
- (C) The provisions for a Category 2 Home Occupation are further defined and specified under Section 715.2 of this Zoning Ordinance.

Section 715.1 Category 1 Home Occupation

- (A) Category 1 Home Occupations, as defined under Article 2 of this Zoning Ordinance shall be permitted by right in the AG, RC, LR, MR, HR and LC Zoning Districts, subject to the following requirements:
 - (1) The home occupation shall be conducted within an approved residential dwelling unit, which complies with the minimum and maximum dimensional requirements of the zoning district to which the use is located.
 - (2) The home occupation shall be conducted only within the residential dwelling and may not occupy more than twenty-five (25) percent of the gross floor area of the residential dwelling unit. Accessory buildings to the residential use may be utilized for storage space and should not account towards the occupancy of a home occupation use.
 - (3) The home occupation shall include only lawful uses, which shall be clearly secondary to the residential use and shall be compatible with surrounding residential uses.
 - (4) The home occupation shall employ no employees other than family members residing in the dwelling.
 - (5) There shall be no visual display or sale of retail goods.

- (6) There shall be no stockpiling, storage or inventory of products of a substantial nature.
 - (7) There should be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (8) The home occupation may not use any equipment or process, which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (9) The home occupation may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (B) If permitted, the applicant shall apply for a Business License, in accordance with Cumru Township Ordinance 633. The Business License shall be renewed by the applicant on a yearly basis.
- (C) If permitted, the Zoning Officer shall issue a zoning permit, which shall be reviewed every year to determine if the Category 1 Home Occupation is in compliance with the Zoning Ordinance.

Section 715.2 Category 2 Home Occupation

- (A) Category 2 Home Occupations, as defined under Article 2 of this Zoning Ordinance shall be permitted by special exception in the AG, RC, LR, MR, HR and LC Zoning Districts, subject to the following requirements:
- (1) The home occupation shall be conducted within an approved single-family detached dwelling unit, which complies with the minimum and maximum dimensional requirements of the zoning district to which the use is located.
 - (2) The home occupation shall be conducted only within the dwelling or an approved accessory structure, which may not occupy more than forty (40) percent of the gross floor area of the single-family detached residential unit or no more than 1,000 square feet of an accessory structure.
 - (3) The home occupation shall include only lawful uses, which shall be clearly secondary to the residential use and shall be compatible with surrounding residential uses. The exterior appearance shall be maintained as a single-family detached residential use.
 - (4) The home occupation shall be limited to the family members residing within the dwelling plus two (2) additional persons to provide support services and assistance.
 - (5) There shall be no visual display or sale of retail goods.
 - (6) There shall be no stockpiling, storage or inventory of products of a substantial nature.
 - (7) The home occupation may not use any equipment or process, which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable at the property lines.
 - (8) No manufacturing, repairing or other mechanical work shall be performed in any open area. All such activities shall be conducted in such a manner that they are not detectable or noticeable at or beyond the property line.
 - (9) The capacities of the public sewage disposal system or on-lot sewage disposal system shall be evaluated in terms of their abilities to serve the residential use along with the home occupation. Where appropriate, the provisions for additional sewage disposal capacities should be reserved, designed, installed and connected to accommodate the projected demand.
 - (10) The capacities of the public water supply system or on-lot well shall be evaluated in terms of their abilities to serve the residential use along with the home occupation. Where appropriate, the provisions

for additional water supply capacities should be considered in order to provide a dependable supply of water without adversely affecting other uses.

- (11) The home occupation may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (12) No more than one (1) Category 2 Home Occupation shall be permitted per residential unit.
 - (13) An off-street parking area shall be provided to meet the following requirements: two (2) parking spaces shall be provided for the residential use; one (1) parking space shall be provided for each employee not residing within the dwelling; and no more than two (2) parking spaces shall be provided for guests or patrons. The maximum number of off-street parking spaces shall be limited to six (6) parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article 10 of this Zoning Ordinance.
 - (14) A sign displaying the name and address of the home occupation may be permitted, subject to the following requirements: no more than one (1) such sign shall be erected on the lot; the area of the sign shall not exceed two (2) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten (10) feet of the cartway.
- (B) As part of the special exception application, the Cumru Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the zoning permit.
- (C) If permitted, the applicant shall apply for a Business License, in accordance with Cumru Township Ordinance 633. The Business License shall be renewed by the applicant on a yearly basis
- (D) If permitted, the Zoning Officer shall issue a zoning permit, which shall be reviewed every year to determine if the Category 2 Home Occupation is in compliance with the Zoning Ordinance and decision issued by the Zoning Hearing Board.

Section 716: Mixed-Use Commercial and Residential Developments

- (A) Mixed-use commercial and residential developments, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the LC Zoning District.
- (B) Mixed-use developments containing a combination of commercial and residential uses shall be designed in accordance with the following general design requirements:
- (1) A minimum of one (1) acre of net land area shall be required to accommodate the mixed-use commercial and residential development.
 - (2) The first floor of the mixed-use building shall be limited to commercial uses, which are permitted by right within the LC Zoning District. The commercial use shall be considered as the principal use that is owned and managed by the owner of the permitted commercial use.
 - (3) The second and third floors of the mixed-use building shall contain no more than four (4) residential apartment units, which shall be considered subordinate uses to the first floor commercial use.
 - (4) A group of mixed-use buildings may be permitted on the same parcel being developed provided that the architectural and streetscape characteristics are similar.
 - (5) The permitted uses contained shall be serviced by public sanitary sewage disposal facilities, which shall be planned in accordance with the most recent update to the Cumru Township Sewage Facilities Plan as well as any ordinances adopted by Cumru Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.

- (6) The permitted uses shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Cumru Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.
- (7) As part of the special exception application, the applicant shall provide documentation or evidence that the quantity of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
- (8) Unless otherwise permitted by Cumru Township, the principal and subordinate uses within the mixed-use building shall have separate utility connections for sanitary sewage disposal, water supply, electric, telephone, natural gas and cable services.
- (9) All utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (10) The residential apartment units shall contain separate sanitary sewage disposal services, washing and bathing facilities, and a kitchen with cooking facilities to accommodate the tenants.
- (11) The collection of solid waste and recyclable materials shall be a consolidated method between the uses and shall be the responsibility of the commercial use.
- (12) The applicant shall provide documentation to Cumru Township that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable ordinances, regulations and laws specified by Cumru Township and/or the Commonwealth of Pennsylvania.
- (13) Parking spaces shall be required to accommodate the permitted commercial uses and residential apartment units. A plan for parking shall be submitted as part of the special exception application.
- (14) A landscaping plan shall be submitted to Cumru Township for review and consideration. Unless otherwise permitted by Cumru Township, the applicant shall provide one (1) new tree per 1,000 square feet of gross floor area contained within the mixed-use buildings. The trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface. The required trees shall be planted as street trees, as part of a buffer yard, within the off-street parking area, or within the areas designated as common open space.
- (15) The mixed-use development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (16) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan shall be posted and a copy shall be issued to the tenants of the apartment units.

(C) The following minimum and maximum dimensional requirements shall apply to the mixed-use building:

- (1) The building setback line should be established forty (40) feet from the street right-of-way line or fifty (50) feet from the curb line.
- (2) The building shall be located at least forty (40) feet from all other property lines not owned by the applicant in pre-development conditions.
- (3) The minimum building separation from other buildings within the development shall be as follows: the separation shall be forty (40) feet when the buildings are side to side; the separation shall be sixty (60) feet when the buildings are side to rear; the separation shall be sixty (60) feet when the buildings are rear to rear.

- (4) The maximum length of any mixed-use building shall not exceed two hundred (200) feet.
 - (5) The maximum depth of any mixed-use building shall not exceed one hundred (100) feet.
 - (6) The maximum building coverage shall be fifty (50) percent of the total land area of the mixed-use development.
 - (7) The maximum lot coverage shall be seventy (70) percent of the total land area of the mixed-use development.
 - (8) The maximum height of the mixed-use building shall be thirty-five (35) feet. The maximum height may be increased to forty-five (45) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
- (D) All mixed-uses shall be subject to an annual inspection by the Cumru Township Zoning Officer and Code Enforcement Officer.
- (E) The owner shall provide Cumru Township with a list of tenants who reside within the residential apartment units. Any change in tenancy within the house shall be reported to Cumru Township on a semi-annual basis.
- (F) As part of the special exception application, Cumru Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (G) Unless otherwise specified by Cumru Township, the special exception application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Cumru Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.